

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

**San Diego Gas & Electric Company,
Complainant,**

Docket No. EL00-95-045

v.

**Sellers of Energy and Ancillary Service Into
Markets Operated by the California
Independent System Operator Corporation
and the California Power Exchange,**

Respondents.

**Investigation of Practices of the California
Independent System Operator and the
California Power Exchange**

Docket No. EL00-98-042

**ORDER EXTENDING TIME FOR FILING
REPLY SETTLEMENT COMMENTS**

(Issued November 7, 2001)

This order extends the time for filing reply settlement comments in these consolidated proceedings before me from November 5, 2001 to November 14, 2001.

Some confusion may have occurred with regard to compliance with my November 5, 2001, deadline for filing reply settlement comments in these consolidated proceedings. On November 2, 2001, the Secretary issued a Notice of Extension of Time for filing reply settlement comments with the Commission in the proceedings listed below¹ and enumerated in the Emergency Motion for Extension of Time of the Official Committee of Participant Creditors (Creditors Committee). The Emergency Motion and the Offer of

¹Docket Nos. EL00-98-000, EL01-36-000, EL01-37-000, EL01-43-000, and EL01-43-000.

Settlement itself² did not list these consolidated proceedings, Dockets Nos. EL00-95-045 and EL00-98-042, in their captions. These consolidated proceedings are related subdockets that may be impacted by the offer of settlement.

These circumstances may explain why I have received numerous initial settlement comments on October 26, 2001, my deadline for the filing of initial settlement comments, and only a single settlement reply comment on November 5, 2001, my deadline for the filing of reply settlement comments, in response to my Report to the Commission Concerning Impact of Offer of Settlement on Evidentiary Procedures and Order Requesting Participants Views on Certification of Offer of Settlement issued on October 26, 2001, 97 FERC ¶ 88,011 (October 26, 2001).

The Rules of Practice, 18 C.F.R. § 385.602 (b)(1) require the Secretary to transmit an offer of settlement to the Presiding Judge if, as here, the offer is filed after a hearing has been ordered. The Rules of Practice, 18 C.F.R. 385.602(b)(3), also require the Secretary to transmit an offer of settlement to a Presiding Judge, where, as here, the offer of settlement pertains to multiple proceedings that are in part pending before the Commission and in part set for hearing. That did not happen here.

To ensure that I have all necessary information that will permit me to determine under Rule 602 the propriety of certification to the Commission of the Offer of Settlement as it concerns the consolidated proceedings set for hearing before me, I am extending to November 14, 2001, the deadline for the filing of discrete reply settlement

²On October 5, 2001, the Creditors Committee filed a Motion to Intervene out of Time and Request for Expedited Consideration that included in its caption the lead dockets of these consolidated proceedings, certain other specific subdockets, and "all related subdockets" but did not specifically list these consolidated proceedings that had been set for hearing before me and which may be impacted by the Offer of Settlement. That Motion also indicated that the Creditors Committee was filing a companion motion to intervene in three complaint proceedings. On October 15, 2001, the Secretary issued a Notice of Filing of Offer of Settlement and Motion to Intervene Out of Time which listed the dockets contained in the caption of the Offer of Settlement and the three complaint proceedings, did not list these consolidated proceedings, and required initial settlement comments to be filed in the dockets listed in footnote 1 by October 25, 2001, and reply settlement comments to be filed in the dockets listed in footnote 1 by November 5, 2001. The November 5, 2001, deadline for filing reply settlement comments in the proceedings before the Commission was also my deadline for filing discrete reply settlement comments in the consolidated proceedings set for hearing before me.

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comments in these consolidated proceedings. To the extent appropriate, the reply settlement comments also should address the seven specific matters set forth in my October 26, 2001 Report and Order to the Commission.

Bruce L. Birchman
Presiding Administrative Law Judge